

## REMARKS

### Amendments

Applicants have inserted the term “solely” into claims 1 and 6 to place them in condition for allowance or in better form for appeal. Entry of the amendment is requested.

### Interview Summary

Applicant's representative conducted a telephonic interview with the Examiner and his supervisor Examiner Corsaro on March 9, 2006. In the interview, applicant's representative and the Examiner discussed Girard et al. (US 2002/0132635), particularly Figures 1 and 3 and paragraphs 13-18, and claims 1 and 6, and the Examiner's analysis of Girard at page 5 of the final rejection. Applicant argued that Girard does not in fact determine or select a transceiver depending on the contents of the dialing string, but rather makes such determination based on which button is pressed or speech input from the user. Applicants further proposed to include “solely” into the claims as further grounds for distinguishing over the Girard reference. The Examiners indicated that they would reconsider the rejection in view of the arguments and proposed amendment.

### § 103 Rejection of claims 1-3, 5-8 and 10

Claims 1-3, 5-8 and 10 are rejected as obvious over Knauerhase (US 6,941,146) in view of Girard et al. The Examiner is urged to withdraw the rejection.

Claim 1 recites a wireless telephone which includes first and second transceivers. The user indicates which transceiver they wish to use (e.g., Bluetooth or CDMA)

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depending on a dialing string they enter. For example, if they enter # 2959482 they may indicate by the # key that they wish to use Bluetooth, whereas if they enter \*2948372 the \* key indicates they wish to use CDMA. Claim 1 specifically references that the wireless telephone includes "a memory storing software comprising a set of instructions for responsively selecting said first transceiver or said second transceiver for said call depending solely on the contents of said dialing string."<sup>1</sup>

Knauerhase et al. are concerned with creating of a global connectivity map that basically determines which type of wireless connectivity options are available to a wireless device over a given geographic area. A wireless device user selects a transceiver, determines whether connectivity is present, and reports the result of the test to a central map server. See Abstract; col. 2 lines 19-43. The reference does not specify how the transceiver is selected; as the Examiner concedes it does not indicate that a dialing string is used to select the transceiver. Furthermore, selection by dialing string would make no sense in Knauerhase et al. since the reference is directed to a testing procedure (recording test data and sending to the map server), not actually calling another party using one or the other transceivers.

The Girard et al. phone does apparently support multiple transmission "modes" (PTT dispatch mode, Chat and regular phone)<sup>2</sup>, but the selection of the transmission mode is not identified through the use of a dialing string as claimed. Rather, it is determined by which physical button was pressed on the phone, not by means of a dialing

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<sup>1</sup> The term "dialing string" in the present claims (and in the art of record) refers to a sequence of alphanumeric characters plus optionally \* or # that are entered via a key pad, or in some other fashion such as by voice, and which appear on the display, in order to dial another party.

<sup>2</sup> All the modes in Girard apparently use the same transceiver, unlike claims 1 and 6 which recite different transceivers.

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string. See Figure 3, blocks 306, 318, 326, and paragraph 13. The applicants assert that the Examiner's analysis at page 5 of the office action is in error, in particular, the Examiner's statement that "Girard teaches . . . obtaining directly or indirectly, from said dialing string an identify of the receiver in accordance with said second communication mode."

In particular, the Girard et al. phone selects the transceiver to use by pressing one of the push to talk button (PTT) for a talk group or dispatch call; the off-hook button when they wish to make a plain old phone call; and a dedicated chat button or soft key for chat text messaging. See page 2 paragraphs 13-19. As shown in Figure 1 of Girard, the reference distinguishes between the dialing string (123XYZ #\*)(referred to as the "alias" or name of the party that is being called) and the buttons that are invoked to select the mode of transmission – push to talk button 108, off-hook "send" button 110, and soft key for chat 104, 106. See Figure 3, blocks 304, 306, 318 and 326; paragraph 13; see also claims 3, 5, 8, 10.

As Figure 1 of Girard and the text at paragraphs 12-13 make clear, the entry of the alias (dialing string) is a separate act from the selection of the transmission mode:

The first step (304) is taken by the user, and is selecting an alias record from the memory, or entering a calling number or calling string. The device shows this on, for example, line 114 of the display 102 in FIG. 1. ***The next step is selecting one of modes of communication.*** Only one action is required by the user of the mobile station to select the desired mode of communication. This is done by, for example, pressing the PTT button, the off-hook button, or a soft key. The act of pushing a button is regarded as a single action, and means that the user does not have to push multiple buttons, and a mode button several times to select the desired mode.

Girard et al., Para. 13 (emphasis added). The text goes on to state that the phone could be equipped with a voice recognition means, and can receive a single voice command to

engage the desired mode of communication. That does not teach selection of a transmission mode solely via the contents of a dialing string either. Furthermore, while paragraph 14 and 15 indicates dialing string may indicate which type of dispatch mode the user desires, "talk group" or "private dispatch", the device determines that the mode of the call, dispatch mode, is determined by whether the user pressed the PTT button 108 (see block 306, Figure 3) and thus the mode is not determined solely by reference to the dialing string.

Furthermore, as to paragraph 18 of Girard cited by the Examiner, the reference discusses that additional modes of communication could be provided but again differentiates between entry of a dialing string ("alias") and a separate act of selection of an air interface via a soft menu of air interfaces or via voice input. As to paragraph 10 cited by the Examiner, the reference states that the device has decision making capability to select a mode based on the calling number "and the operation of the device by the user" [i.e., which physical button they pressed].

Accordingly, since Girard does not teach "selecting said first transceiver or said second transceiver for said call depending solely on the contents of said dialing string" as claimed in claim 1, Girard in combination with Knauerhase et al. does not in fact teach or suggest the feature in the last part of claim 1. Claim 1 is not rendered obvious over the reference. Similarly, claims dependent from claim 1 are also not rendered obvious by virtue of claim dependency.

Independent claim 6 is directed to a method of selecting a transmission mode for a call between a wireless telephone and a remotely located receiver, the wireless

telephone having a first transceiver for communication in accordance with a first communication mode and a second transceiver for communication in accordance with a second communication mode, said first communication mode comprising a cellular telephony mode and said second communication mode being a local, free, non-cellular wireless communication mode. The method includes steps of receiving a dialing string from a user of the telephone for initiation of said call, detecting attributes of said dialing string indicating that the user intends the call to be sent in accordance with said second transmission mode (local, free, non-cellular) and obtaining, either directly or indirectly, solely from said dialing string an identity of the receiver in accordance with said second communication mode.

Thus, claim 6 contemplates a method by which the dialing string itself contains attributes that identify that the user intends a call to be sent in accordance with a particular non-cellular, local transmission mode, e.g., Bluetooth. As noted above, Knauerhase et al. is silent on the use of dialing strings as a method by which a user operating a wireless telephone can select a particular transceiver. Girard et al. does not teach or suggest that the dialing string itself identifies the transceiver mode. Rather, Girard makes the user go to the extra step of pressing either the send button 110, PTT button 108 or one of the soft keys 104 or 106 (or use voice) to activate a particular transmission mode.

It is therefore apparent that Girard in combination with Knauerhase does not render the subject matter of claim 6 obvious. The rejection of claim 6 and claims dependent therefrom should be withdrawn.

§ 103 Rejection of Claims 4 and 9

Claims 4 and 9 were rejected as obvious over Knauerhase in view of Girard and further in view of Malackowski et al., U.S. 6,411,803. The Examiner cites to Malackowski et al. for a teaching of a dialing string with \* or #. Malackowski et al. is cumulative to Figure 1 of Girard, showing a dialing string of 123XYZ#\*. Malackowski et al.'s wireless device uses conventional cellular telephony to communicate with a wireless network. See col. 4 lines 15 et seq. The user of the Malackowski et al. system does not make a selection of which transceiver mode to use by means of a dialing string, as the reference does not contemplate a user making any such selection. The access codes of Malackowski et al. (e.g., # 500) are used to identify a particular advertiser (see Summary at col. 2). As such, neither Malackowski et al., Girard et al. nor Knauerhase et al. teach or suggest the subject matter of independent claims 1 and 6 of selection of a transceiver solely on the identify of the dialing string. Accordingly, since the independent claims are not rendered obvious thereover, claims 4 and 9 should likewise be found patentable thereover.

Reconsideration and allowance of the application is requested.

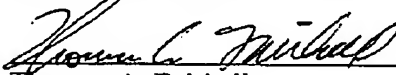
Respectfully submitted.

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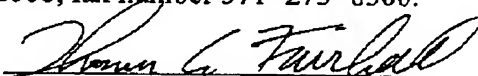


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The undersigned hereby certifies that the foregoing Amendment After Final is being faxed to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on this 9 th day of March, 2006, fax number 571- 273- 8300.

  
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